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RICHARD W. LANE
CLERK OF COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 CHRIS HILL, as personal representative of
12 the ESTATE OF CHARLES HILL; The
13 ESTATE OF CHARLES HILL

14 Plaintiff,

15 vs.

16 BAY AREA RAPID TRANSIT DISTRICT, a
17 municipal corporation; KENTON W.
18 RAINEY in his official capacity as CHIEF of
19 POLICE for BAY AREA RAPID TRANSIT
20 DISTRICT; JAMES CROWELL individually
21 and in his official capacity as a Police Officer
22 for BAY AREA RAPID TRANSIT
23 DISTRICT; MYRON LEE individually and in
24 his official capacity as a Police Officer for
BAY AREA RAPID TRANSIT DISTRICT;
DOES 1-50, inclusive; individually and in
their official capacities as POLICE OFFICERS
for BAY AREA RAPID TRANSIT
DISTRICT

25 Defendants.
26
27
28

C12-00372

Case No.:

COMPLAINT FOR DAMAGES

(42 U.S.C §§ 1983; and pendant tort claims)

JURY TRIAL DEMANDED

ADR

INTRODUCTION

1. This case arises out of the wrongful death of forty-five year old Charles Hill at the hands of two Bay Area Rapid Transit District Police Officers during the night of July 3, 2011.

JURISDICTION

2. This action arises under Title 42 of the United States Code, Section 1983. Jurisdiction is conferred upon this Court by Title 42 of the United States Code, Section 1331 and 1343. The unlawful acts and practices alleged herein occurred in the City of San Francisco, County of San Francisco, California, which is within this judicial district.

PARTIES

3. At all times mentioned herein, Plaintiff CHRIS HILL is a competent adult and a United States Citizen. Plaintiff is the surviving brother of decedent, CHARLES HILL. Plaintiff appears as the personal representative of the ESTATE OF CHARLES HILL pursuant to California Code of Civil Procedure 377.30.
4. Plaintiff CHRIS HILL is a successor-in-interest to the ESTATE OF CHARLES HILL, including the manner in which successor-in-interest is defined by California Code of Civil Procedure section 377.11 and elsewhere and is entitled to maintain causes of action which survive the death of CHARLES HILL under California Code of Civil Procedure Section 377.30.
5. Plaintiff, THE ESTATE OF CHARLES HILL, appears by and through its personal representative CHRIS HILL and may maintain causes of action and recover damages for the value of Decedent's life and Decedent's pain and suffering.
6. Defendant BAY AREA RAPID TRANSIT DISTRICT ("BART") is and at all times herein mentioned, a governmental entity duly organized and existing under the laws of the State of California. BART operates the Bay Area Rapid Transit District Police Department ("BART PD").
7. At all times mentioned herein, Defendant KENTON RAINEY ("CHIEF RAINEY"), was

1 and is the Chief of Police for the Bay Area Rapid Transit District Police Department and
2 is being sued in his official capacity.

3 8. At all times mentioned herein, Defendant JAMES CROWELL ("OFFICER
4 CROWELL"), was and is a Police Officer for the Bay Area Rapid Transit District Police
5 Department and is sued in his individual and official capacities.

6 9. At all times mentioned herein, Defendant MYRON LEE ("OFFICER LEE"), was and is a
7 Police Officer for the Bay Area Rapid Transit District Police Department and is sued in
8 his individual and official capacities.

9 10. Plaintiff is ignorant of the true names and/or capacities of Defendants sued herein as
10 DOES 1 through 50, inclusive, and therefore sues said Defendants by such fictitious
11 names. Plaintiff will amend this complaint to allege their true names and capacities when
12 ascertained. Plaintiff believes and alleges that each of the DOE Defendants is legally
13 responsible and liable for the incident, injuries and damages hereinafter set forth. Each
14 defendant proximately caused injuries and damages because of their negligence, breach
15 of duty, negligent supervision, management or control, violation of public policy, and
16 excessive force. Each Defendant is liable for his/her personal conduct, vicarious or
17 imputed negligence, fault, or breach of duty, whether severally or jointly, or whether
18 based upon agency, employment, ownership, entrustment, custody, care or control or
19 upon any other act or omission. Plaintiff will ask leave to amend this complaint subject
20 to further discovery.

21 11. In doing the acts alleged herein, Defendants, and each of them acted within the course
22 and scope of their employment.

23 12. In doing the acts and/or omissions alleged herein, Defendants, and each of them, acted
24 under color of authority and/or under color of law.

25 13. Due to the acts and/or omissions alleged herein, Defendants, and each of them, acted as
26 the agent, servant, and employee and/or in concert with each of said other Defendants
27 herein.

28 14. For State causes of action related to Federal claims, Plaintiff is required to comply with

1 an administrative claim requirement under California law. Plaintiff has complied with all
2 applicable requirements.

3 **FACTS**

4 15. On Sunday, July 3, 2011 at approximately 9:45 p.m., Mr. Charles Hill was celebrating
5 the eve of America's Independence Day in San Francisco's Civic Center BART Station.
6 Mr. Hill was a small, disheveled-looking middle aged white man. He stood a mere 5'6"
7 tall and weighed a spindly 150 pounds. That night he was wearing pants, a tie-dye shirt
8 and sporting a long grey beard. His appearance did not inspire fear in the people around
9 him. Nevertheless, Mr. Hill drew the attention of authorities due to his possession of an
10 open container of alcohol and his somewhat drunken demeanor on the Civic Center
11 Station Platform.

12 16. Accordingly, a BART employee reported Mr. Hill to BART Police dispatch. The
13 employee told dispatch that there was a man (Mr. Hill) wearing a tie-dye shirt who was
14 holding an open bottle of alcohol on the Platform. While the BART employee went on to
15 describe Mr. Hill as being inebriated and wobbling about the platform, the employee did
16 not mention that Mr. Hill appeared armed, or that he was a threat to anyone. Indeed,
17 eyewitnesses to the incident described Mr. Hill as a "Drunk Hippie."

18 17. Armed with the knowledge that they would be confronting a person described as middle-
19 aged, drunken homeless man, Officers CROWELL and LEE arrived at Civic Center
20 BART Station. When the Officers exited their train, they saw a multitude of passengers
21 milling about the platform who were not acting in a manner consistent with perceiving
22 Mr. Hill as a threat to their safety. The Officers were initially more than 15 feet away
23 from Mr. Hill who was still holding the bottle of alcohol when they arrived on the
24 platform.

25 18. Upon seeing Mr. Hill, Officer CROWELL pulled out his gloves. Next, the Officers
26 immediately escalated the situation by shouting conflicting and confusing commands at
27 Mr. Hill. Mr. Hill responded by throwing down his bottle of alcohol. Officer
28 CROWELL further escalated the situation by pulling his firearm and aiming it at Mr.

1 Hill. Mr. Hill responded to the Officers' aggressiveness by slowly walking "like
2 Frankenstein" toward them.

3 19. At this point in time, Mr. Hill was holding a small, fold-out knife over his head and threw
4 it in the direction of Officer CROMWELL. The knife missed Officer CROMWELL by a
5 large margin and skipped to the left of his foot and bounced off the side of the train.
6 Inexplicably, Officer CROMWELL unlawfully shot Mr. Hill three times in the chest,
7 mortally wounding him and ultimately causing his death, even though the immediate
8 threat of harm to Officer CROMWELL had already passed and Mr. Hill was standing 15
9 to 20 feet away from him.

10 20. Plaintiff is informed and believes and thereon alleges that BAY AREA RAPID
11 TRANSIT DISTRICT, CHIEF RAINEY, and DOES 26-50, inclusive, breached their
12 duty of care to the public in that they have failed to discipline Defendant Officers JAMES
13 CROMWELL, MYRON LEE and DOES 1-25 inclusive, for their respective misconduct
14 and involvement in the incident described herein. Their failure to discipline Defendant
15 Officers CROMWELL, LEE and DOES 1-25 inclusive, demonstrates the existence of an
16 entrenched culture, policy or practice of promoting, tolerating and/or ratifying with
17 deliberate indifference the making of improper detentions and arrests, the use of
18 excessive and/or deadly force and the fabrication of official reports to cover up
19 Defendant Officers CROMWELL, LEE and DOES 1-25's inclusive, misconduct.

20 21. Plaintiff is informed and believes and thereon alleges that BART, CHIEF RAINEY and
21 DOES 26-50 inclusive, breached their duty of care to the public in that they failed to
22 adequately and properly train Defendant Officers JAMES CROMWELL, MYRON LEE
23 and DOES 1-25 inclusive, using reality based training techniques, workshops and
24 simulations. Their failure to adequately and properly train Defendant Officers JAMES
25 CROMWELL, MYRON LEE and DOES 1-25 inclusive, demonstrates the existence of
26 an entrenched culture, policy or practice of promoting, tolerating and/or ratifying with
27 deliberate indifference, the making of improper detentions and arrests along with the use
28 of excessive and/or deadly force. Plaintiff is informed and believes and thereon alleges

1 that BART, CHIEF RAINEY and DOES 26-50, inclusive breached their duty of care to
2 the public in that they failed to adequately and properly train Defendant Officers JAMES
3 CROWELL, MYRON LEE and DOES 1-25 inclusive, in the proper making of
4 detentions, arrests and use of force against emotionally disturbed and/or mentally
5 impaired persons. This lack of adequate supervisory training demonstrates the existence
6 of an informal custom, policy or practice of promoting, tolerating, and/or ratifying with
7 deliberate indifference the continued making of unlawful detentions, arrests, and use of
8 excessive force against emotionally disturbed and/or mentally impaired detainees by
9 BART police officers.

10 22. Plaintiff is informed and believes and thereon alleges that members of the BART Police
11 Department, including, but not limited to, Defendant Officers CROWELL, LEE, and/or
12 DOES 1-25 and/or each of them, have individually and/or while acting in concert with
13 one another, engaged in a repeated pattern and practice of making improper detentions
14 and/or false arrests and using excessive, arbitrary and/or unreasonable force against
15 individuals, including, but not limited to Decedent, Charles Hill.

16 23. Plaintiff is further informed and believes and thereon alleges that as a matter of official
17 policy Defendant BART has long allowed its patrons, such as the decedent, to be abused
18 by its police officers, including JAMES CROWELL, MYRON LEE and/or DOES 1-25
19 and/or each of them, individually and/or while acting in concert with one another.

20
21 24. As a result of the pre-existing customs, policies, patterns and/or practices of such abuses
22 by members of Defendant BART, Decedent and Plaintiff were subjected to the violation
23 of their constitutional rights as alleged herein.

24 DAMAGES

25
26 25. Plaintiff, ESTATE OF CHARLES HILL, by and through, CHRIS HILL, the personal
27 representative of CHARLES HILL's estate, is entitled to recover wrongful death damages
28

pursuant to C.C.P. §§ 377.60 and 377.61 and Probate Code §6402(b). Additionally, Plaintiff is entitled to the reasonable value of funeral and burial expenses pursuant to C.C.P. §§ 377.60 and 377.61.

26. Plaintiff, ESTATE OF CHARLES HILL, is entitled to recover damages by and through CHRIS HILL, the personal representative of decedent's estate pursuant to the Estate's right of survivorship for the pain and suffering he endured as a result of the violation of his civil rights.

27. Plaintiff found it necessary to engage the services of private counsel to vindicate the rights of decedent and plaintiff's rights under the law. Plaintiff is therefore entitled to an award of attorneys' fees and/or costs pursuant to statute(s) in the event that he is the prevailing party in this action under 42 U.S.C. §§§§ 1983, 1985-86 and 1988.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

FIRST CAUSE OF ACTION
Violation of Fourth Amendment of the United States Constitution
(42 U.S.C. §1983)
 (Against Officers CROWELL and LEE)

28. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 27 of this complaint

29. Defendants' above-described conduct violated Decedent's right as provided for under the Fourth Amendment to the United States Constitution to be free from excessive force and/or the arbitrary and/or unreasonable use of deadly force against him.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

SECOND CAUSE OF ACTION
(Wrongful Death)
(42 U.S.C. §1983)
 (Against Officers CROWELL and LEE)

30. Plaintiff hereby re-alleges and incorporates by reference paragraphs 1 through 29 of this

Complaint.

31. Defendants acted under color of law by shooting and killing Decedent without lawful justification and subjecting Decedent to excessive force thereby depriving the Decedent of certain constitutionally protected rights, including, but not limited to:
- a. The right to be free from unreasonable searches and seizures, as guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution;
 - b. The right not to be deprived of life or liberty without due process of law, as guaranteed by the Fourteenth Amendment to the United States Constitution;
 - c. The right to be free from the use of excessive force by police officers, which is guaranteed by the Fourth and Fourteenth Amendments to the United States Constitution

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

THIRD CAUSE OF ACTION

(Monell)

(42 U.S.C. §1983)

(Against BART, CHIEF RAINEY and DOES 26-50)

32. Plaintiff hereby re-alleges and incorporates by reference herein paragraphs 1 through 31 of this Complaint.
33. As against Defendants BART, CHIEF RAINEY, and/or DOES 26-50 and/or each of them, individually and/or in their capacities as official policy-maker(s) for BART, the Plaintiff further alleges that the acts and/or omissions alleged in the Complaint herein are indicative and representative of a repeated course of conduct by members of Defendant BART Police Department tantamount to a custom, policy or repeated practice of condoning and tacitly encouraging the abuse of police authority, and disregard for the constitutional rights of citizens, such as Plaintiff.
34. Plaintiff is informed and believes and thereon alleges that the acts and/or omissions alleged herein are the proximate result of a custom, policy, pattern or practice of deliberate indifference by Defendants BART, CHIEF RAINEY, and DOES 26-50 and/or each of them.

1 to the repeated violations of the constitutional rights of citizens by BART police officers,
2 which have included, but are not limited to, repeated acts of: making false reports, providing
3 false and/or misleading information in causing detentions, arrests, imprisonments and/or
4 malicious prosecutions based on fabricated and/or misleading statements and/or engaging in
5 similar acts of misconduct on a repeated basis and failure to institute and enforce a consistent
6 disciplinary policy.

7
8 35. Plaintiff is further informed and believes and thereon alleges that the acts and/or omissions
9 alleged herein are the proximate result of a custom, policy, pattern or practice of deliberate
10 indifference by Defendants BART, CHIEF RAINEY, DOES 26-50 and/or each of them, to
11 the repeated violations of the constitutional rights of citizens by BART police officers, which
12 have included, but are not limited to, using excessive and/or deadly force on a repeated basis.

13 36. Plaintiff is further informed and believes and thereon alleges that the damages sustained as
14 alleged herein were the proximate result of customs, policies and/or practices which included,
15 but were not limited to, the failure to adequately or appropriately hold officers accountable
16 for their misconduct, the failure to properly and fairly investigate complaints about officers'
17 misconduct, the failure to enact or adopt policies to ensure adequate and/or appropriate
18 oversight of officers to prevent continuing violations of the rights of citizens.

19
20 37. Plaintiff is further informed and believes and thereon alleges that the damages sustained as
21 alleged herein were the proximate result of customs, policies and/or practices which included,
22 but were not limited to, the failure to adequately or appropriately train officers using reality
23 based training techniques, workshops and/or simulations.

24
25 38. Plaintiff is further informed and believes and thereon alleges that the damages sustained as
26 alleged herein were the proximate result of customs, policies and/or practices which included,
27 but were not limited to, the failure to adequately or appropriately train officers in making
28 detentions, arrests and/or using force against mentally impaired and/or emotionally disturbed

persons.

39. The aforementioned deliberate indifference, customs, policies or practices of defendants BART, CHIEF RAINEY, and DOES 26-50, and/or each of them, resulted in the deprivation of the constitutional rights of the Decedent and Plaintiff, including, but not limited to, the following:

- a. the right not to be deprived of life, liberty or property without Due Process of Law;
- b. the right to be free from unreasonable searches and/or seizures; and/or,
- c. the right to equal protection of the law.
- d. the right to familial relationships
- e. the right to enjoy civil and statutory rights

40. Said rights are substantive guarantees under the Fourth and/or Fourteenth Amendments to the United States Constitution.

41. As a result of the violation of their constitutional rights by Defendants BART, CHIEF RAINEY and/or DOES 26-50 and/or each of them, Plaintiff sustained the injuries and/or damages as alleged heretofore in this Complaint.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

FOURTH CAUSE OF ACTION
(Survival action: Violation of Decedent's Civil Rights)
(42 U.S.C. §1983)
(Against Officers CROWELL and LEE and DOES 1-50)

42. Plaintiff hereby re-alleges and incorporates by reference herein paragraphs 1 through 41 of this Complaint.

43. CHARLES HILL was forced to endure great conscious pain and suffering because of the Defendants' conduct before his death;

44. CHARLES HILL did not file a legal action before his death;

45. Plaintiff CHRIS HILL as personal representative of the ESTATE OF CHARLES HILL

1 claims damages for the conscious pain and suffering incurred by CHARLES HILL, as
2 provided for under 42 U.S.C. §1983.

3 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

4 **FIFTH CAUSE OF ACTION**
5 **(Wrongful Death - Negligence)**
6 **(C.C.P. §377.60 and 377.61)**

(Against Officers CROWELL and LEE and DOES 1-50)

- 7 46. Plaintiff re-alleges and incorporates by reference herein paragraphs 1 through 45 of this
8 Complaint, except for any and all allegations of intentional, malicious, extreme,
9 outrageous, wanton, and oppressive conduct by Defendants, and any and all allegations
10 requesting punitive damages.
- 11 47. Defendants and DOES 1-50 inclusive, by and through their respective agents and
12 employees, proximately caused the death of Decedent CHARLES HILL, on July 3, 2011
13 as a result of their negligent conduct and/or negligent failure to act as set-forth herein.
- 14 48. As an actual and proximate result of said Defendants' negligence, Plaintiff incurred
15 funeral and burial expenses, in an amount according to proof at trial.
- 16 49. Pursuant to California C.C.P. Sections 377.60 and 377.61, Plaintiff has brought this
17 action, and claims damages from said Defendants for the wrongful death of Decedent,
18 and the resulting injuries.

19 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

20 **SIXTH CAUSE OF ACTION**
21 **(Violation of Decedent's Right To Enjoy Civil Rights)**
22 **(Violation of CALIFORNIA CIVIL CODE §52.1)**
23 **(Against Officers CROWELL and LEE and DOES 1-50)**

- 24 50. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 49 of this
25 Complaint.
- 26 51. Defendants' above-described conduct constituted interference, and attempted
27 interference, by threats, intimidation and coercion, with decedent's peaceable exercise
28 and enjoyment of rights secured by the Constitution and laws of the United States and the
State of California, in violation of California Civil Code §52.1.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

JURY DEMAND

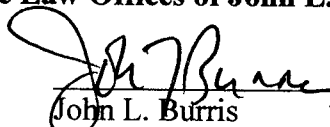
52. Plaintiff hereby demands a jury trial in this action.

PRAYER

1. For general damages in a sum of determined at trial;
2. For special damages, including but not limited to, past, present and/or future wage loss, income and support, medical expenses and other special damages in a sum to be determined according to proof;
3. For funeral and burial expenses according to proof;
4. For punitive damages and exemplary damages in amounts to be determined according to proof as to Defendants Chief KENTON RAINEY, Officers JAMES CROMWELL, MYRON LEE and/or DOES 1 through 50 and/or each of them;
5. For reasonable attorney's fees pursuant to 42 U.S.C. §1988;
6. For cost of suit herein incurred;

Dated: December 23, 2011

The Law Offices of John L. Burris


John L. Burris

Attorney for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CHRIS HILL, et al.,

(b) County of Residence of First Listed Plaintiff **SAN FRANCISCO**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

LAW OFFICES OF JOHN L. BURRIS

John L. Burris, Esq., 7677 Oakport St., Suite 1120, Oakland, CA 94621
(510) 839-5200 office (510) 839-3882 fax

DEFENDANTS

BAY AREA RAPID TRANSIT DISTRICT, et al.,

County of Residence of First Listed Defendant **SAN FRANCISCO**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|--|---|--|--|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Section 1983

Brief description of cause:
Violation of Civil Rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 00 00 00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND☐ SAN JOSE☐ EUREKA

DATE 01/19/2012

SIGNATURE OF ATTORNEY OF RECORD

